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Before the

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Federal Communications Commission  
Office of Secretary

In the Matter of

Telecommunications Relay Services  
And Speech-to-Speech Services for  
Individuals with Hearing and Speech  
Disabilities  
Facility Id. No. 74156

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CG Docket No. 03-123

To: The Commission

APPLICATION FOR REVIEW

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**APPLICATION FOR REVIEW**

Telco Group, Inc. ("Telco Group"), pursuant to section 1.115 of the rules of the Federal Communications Commission ("FCC" or "Commission"), 47 C.F.R. § 1.115, files this application for review of the Consumer and Governmental Affairs Bureau's Declaratory Ruling On Reconsideration in the above-captioned matter.

**INTRODUCTION AND SUMMARY**

To make an efficient nationwide communications service available and increase the utility of the Nation's telephone system, Section 225 of the Communications Act requires the Commission to ensure that interstate and intrastate telecommunications relay services are available, "to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States."<sup>1/</sup>

Section 225 of the Act also states that the Commission's "regulations shall generally provide that costs caused by *interstate* telecommunications relay services shall be recovered from all subscribers for every interstate services . . ."<sup>2/</sup> The Commission's regulations

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<sup>1/</sup> 47 U.S.C. § 225.

<sup>2/</sup> 47 U.S.C. §225(d)(3)(B) (emphasis added).

implementing this section, however, deviate from this statutory directive, providing in relevant part that “[c]ontributions shall be made by all carriers who provide interstate services, including, but not limited to ... *international* ... services.”<sup>3/</sup>

On July 26, 2004, Telco Group filed a Petition for Declaratory Ruling requesting the Commission to either exclude international revenues from its Telecommunications Relay Services (“TRS”) Fund payment calculations, or, in the alternative, extend a waiver to Telco Group to allow it to exclude its international revenues from its TRS Fund obligation calculations.<sup>4/</sup> Telco Group explained that although the TRS Fund is designed to be a shared funding mechanism to compensate TRS providers for the costs of providing eligible TRS services, the burdens of the Fund on Telco Group were disproportionately high. Because Telco Group has very small operations in the United States, with approximately 96 percent of its revenues coming from international services, the Commission’s rule requiring all interstate service providers to contribute to the TRS Fund based on interstate revenues and defining interstate revenues to include international revenues places an inequitable burden on Telco Group and similarly situated carriers.<sup>5/</sup> This is especially true given the manner in which TRS Fund payment obligations have skyrocketed.<sup>6/</sup>

On May 16, 2006, the Consumer and Governmental Affairs Bureau (“Bureau”) released a

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<sup>3/</sup> 47 C.F.R. § 64.604(c)(5)(iii)(A) (emphasis added).

<sup>4/</sup> Telco Group, Inc., Petition for Declaratory Ruling, or in the Alternative, Petition for Waiver, CC Docket No. 98-67 (filed July 26, 2004) (“Petition”).

<sup>5/</sup> Petition at 2-3.

<sup>6/</sup> The Fund requirement of \$289,352,701 and a carrier contribution factor of 0.00356 for the July 1, 2004 through June 30, 2005 fund year was approximately 151 percent more than the Fund requirement for the prior year. *Id.* at 3.

Declaratory Ruling, and then on May 25, a Declaratory Ruling on Reconsideration.<sup>7/</sup> The *Declaratory Ruling on Reconsideration* denies the Petition on the ground that while assessing universal service contribution requirements on international revenues has been struck down by the courts, the TRS Fund is distinguishable because it is used to support both interstate and international TRS.<sup>8/</sup> The *Declaratory Ruling on Reconsideration* further finds that the fact that the contribution method requires Telco Group, a very small carrier in the United States, to bear a remarkably large percentage of the total fund assessments while far larger carriers have far smaller contribution obligations is not inequitable.<sup>9/</sup> According to the *Declaratory Ruling on Reconsideration*, as long as Telco Group is required to contribute the same percentage of revenues as other carriers, the approach “is both equitable and nondiscriminatory,” regardless of the actual effect of the contribution mechanism.<sup>10/</sup>

The *Declaratory Ruling on Reconsideration*’s finding that TRS funding obligations should not differ when a contributor has a very high percentage of international revenues is erroneous and contrary to federal case precedent. Courts have found that where international revenues make up a disproportionately large amount of total revenues, such revenues are properly excluded from revenue base calculations for purposes of payments due the Universal

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<sup>7/</sup> *In the Matter of Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Declaratory Ruling, CG Docket No. 03-123, (rel. May 16, 2006). The Bureau issued a Declaratory Ruling on Reconsideration on its own motion because the Declaratory Ruling failed to allow for consideration of the full record. *In the Matter of Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Declaratory Ruling on Reconsideration*, CG Docket No. 03-123 (rel. May 25, 2006) (“*Declaratory Ruling on Reconsideration*”).

<sup>8/</sup> *Declaratory Ruling on Reconsideration* ¶¶ 8-9.

<sup>9/</sup> *Id.* ¶¶ 9-10.

<sup>10/</sup> *Id.* ¶¶ 9-10.

Service Fund (“USF”),<sup>11/</sup> and the same analysis applies with equal force and should have been extended to the TRS Fund. Indeed, failure to do so is contrary to the explicit language and goals of the statute, because the extremely high and inequitable TRS payment obligation faced by carriers like Telco Group could adversely impact the availability of an efficient and competitive nationwide communications service, and could threaten continued TRS funding if carriers such as Telco Group are no longer able to provide telecommunications services or cannot do so efficiently. Further, the *Declaratory Ruling on Reconsideration*’s denial of Telco Group’s waiver request “[b]ecause Telco Group has not demonstrated why individualized relief is appropriate”<sup>12/</sup> ignored substantial record evidence. Each of these rulings conflict with the Commission’s own rules, established Commission policy and case precedent.

In light of these errors, the Commission should:

- reverse the denial of Telco Group’s request for a declaratory ruling excluding international services revenue from the interstate contribution base;
- reverse the holding that requiring carriers whose international revenues comprise a significant proportion of their total interstate and international revenues to pay the same percentage of revenues into the TRS Fund as other carriers is an equitable and nondiscriminatory approach;
- reverse the holding that in the absence of declaratory ruling, Telco Group is entitled to a waiver of the interstate TRS assessment on its international services revenues; and
- reverse the *Declaratory Ruling on Reconsideration* in full, recognizing that it is inconsistent with the Commission’s goal of ensuring adequate TRS funding given its impact on the Telco Group and similarly situated carriers.

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<sup>11/</sup> *Texas Office of Public Util. Counsel v. FCC*, 183 F.3d 393 (5<sup>th</sup> Cir. 1999) (“*TOPUC*”).

<sup>12/</sup> *Declaratory Ruling on Reconsideration* ¶ 8.

**I. REQUIRING TELCO GROUP TO BASE TRS FUND PAYMENT OBLIGATIONS ON REVENUES FROM INTERNATIONAL SERVICES IS INEQUITABLE, DISCRIMINATORY, AND INCONSISTENT WITH FEDERAL LAW**

The Commission should reverse the Bureau's denial of Telco Group's request for a declaratory ruling excluding international services revenue from the TRS interstate contribution base for carriers whose international revenues comprise a significant proportion of their total interstate and international revenues. Failure to do so would contravene the goals of the Commission's TRS cost recovery rules, which are designed to be equitable and nondiscriminatory, and section 706 of the Telecommunications Act of 1996.<sup>13/</sup>

**A. It is Inequitable and Discriminatory to Require Telco Group to Shoulder a Disproportionate Share of the TRS Fund.**

The current application of the Commission's rules requires Telco Group to contribute to the fund in an amount that is both excessive and out of proportion to that required of other carriers.

The amount that Telco Group is required to contribute is vastly disproportionate to its stature in the marketplace. Because payments due the Fund are calculated based on interstate and international revenues, and because Telco earns substantial revenues internationally, in 2004 it paid a significant portion of its U.S. interstate revenues -- \_\_\_% -- into the TRS Fund. Under the Commission's calculations, Telco Group faced a payment of over \$\_\_\_\_\_ for the 2004

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<sup>13/</sup> See, e.g., 1998 *Biennial Regulatory Review - Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Support Mechanisms*, 14 FCC Rcd 16602, ¶¶ 11-12 (1999) (noting that information requested with respect to TRS and other funds "is essential to ensuring that individual carriers and segments of the industry contribute to the mechanisms in a fair and equitable manner, and, thereby, to ensuring [sic] the integrity of the mechanisms."); *In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 1995 Price Cap Treatment of Regulatory Fees Imposed by Section 9 of the Act*, 10 FCC Rcd 13512, 13562 (1995) ("The Commission found that the TRS methodology provides and efficient and equitable mechanism for assessing fees.").

fund year -- a remarkable amount given that the *entire fund* was less than \$290 million in size at that time. Telco Group's share represented nearly \_\_\_\_% of the total fund in 2004, even though it is a very small carrier in the United States and there were over five thousand carriers that should (and presumably did) contribute to the Fund in 2004.<sup>14/</sup> By way of comparison, Telco Group was required to pay roughly that same amount into the USF Fund -- a fund that in 2004 was approximately \$5.6 *billion* in total size, nearly 20 times larger than the TRS Fund.<sup>15/</sup>

The impact of Telco Group's TRS payment obligations has become particularly severe recently because the funding requirements of the TRS Fund have grown at such a rapid rate. While the Fund in July 2003 totaled \$115,455,570, the size of the fund was increased in February 2004 to \$170,500,000 -- a 48% increase, requiring a significant increase in carrier contributions.<sup>16/</sup> Telco Group's own monthly payments increased by an even larger factor -- from approximately \$\_\_\_\_\_ to over \$\_\_\_\_\_.<sup>17/</sup> In the fund year commencing July 1, 2004, the total fund size again increased to \$289,352,701-- another 70% increase that resulted in a monthly payment obligation for Telco Group of nearly \$\_\_\_\_\_.<sup>18/</sup> Thus, while Telco Group's

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<sup>14/</sup> See "Statistics of the Long Distance Telecommunications Industry, Industry Analysis and Technology Division, Wireline Competition Bureau" at 11 (May 2003), available at <http://www.fcc.gov/wcb/latd/lec.html> (noting that there were 5,362 interstate telecommunications providers at that time).

<sup>15/</sup> See 2003 Annual Report, Universal Service Administrative Company, available at <http://www.universalservice.org/Reports>.

<sup>16/</sup> The fund size requirement and carrier contribution factor for the July 1, 2003 through June 30, 2004 fund year were originally \$115,455,570 and 0.00149, respectively. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order*, 18 FCC Rcd. 2993 (2003). Those amounts were increased in an order released by the Commission on February 24, 2004 to \$170,500,000 and 0.00220, respectively. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order*, 19 FCC Rcd. 2993 (2004).

<sup>17/</sup> See Petition at 3-6.

<sup>18/</sup> See *id.*



payment obligations have been unreasonably and disproportionately large since the Fund's inception, they *tripled* in 2004, and became of such a magnitude that they threatened to disrupt business operations and the continued ability of Telco Group to provide service in the United States.<sup>19/</sup>

A requirement that Telco Group fund such a significant proportion of the total Fund, encompassing such a significant portion of its revenues, cannot be considered fair, equitable or nondiscriminatory.<sup>20/</sup> While the Bureau concluded, without citing any support, that its approach is nondiscriminatory because all carriers pay the same percentage of revenues,<sup>21/</sup> it is well-established that a rule must not be merely equitable on its face, but equitable as applied, and that a regulatory scheme forcing a single entity to bear a disproportionate share of costs does not meet this standard.<sup>22/</sup> The Commission should reverse the Bureau's ruling on this issue.

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<sup>19/</sup> *Id.* at 6.

<sup>20/</sup> *See, e.g., AT&T Corp. v. Pub. Util. Comm'n. of Texas*, 373 F.3d 641 (5th Cir. 2004) (Texas Public Utility Commission's practice of taxing revenues from both interstate and intrastate calls for the state universal service fund was inequitable and discriminatory because it placed multijurisdictional carriers at a competitive disadvantage within the state; fact that carrier could not show that the amount of the fee outweighed the revenues held not to defeat its claim of discrimination).

<sup>21/</sup> *Declaratory Ruling on Reconsideration* ¶ 9.

<sup>22/</sup> *See, e.g., AT&T Corp. v. Public Utility Commission of Texas*, 373 F.3d 641, 647 (5th Cir. 2004) (determining that a state-imposed tax burdened one type of carrier more severely than others, and thus, was discriminatory because it damaged some carriers more than it harmed others) (citing *Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393, 434 (5th Cir. 1999)); *Hughes Sports Network, Inc. v. AT&T*, 25 F.C.C.2d 550, ¶ 6 (1970) (finding that a validly-filed tariff, in effect for more than twenty years, unreasonably discriminated against certain users due to changed conditions and forced those users to now bear "a disproportionate and inequitable share of the fixed costs of the overall service" and contribute "an unbalanced share of the revenues" when the carrier did not justify "this basically unfair situation"); *see also AT&T v. Delta Communications Corp.*, 408 F. Supp. 1075, 1100 (S.D. Miss. 1976) (indicating that the *Hughes* case "only decided that this tariff structure was unreasonable and discriminatory as it applied to Hughes. . . [and due to] significant factual differences between Hughes' use of the tariffs and Delta's, [i]t is quite possible that the FCC would determine that the tariff is also unreasonable and discriminatory to Delta [or] . . . equally possible that the FCC might hold

**B. Analogous Case Law Supports the Exclusion of International Revenues From the Commission's Definition of Interstate Revenues for TRS Fund Contributions.**

The inequity of Telco Group's TRS payment obligations stems primarily from the fact that obligations are calculated using revenues from international services, even where, as is the case for Telco Group, those revenues make up the vast proportion of a carrier's total revenues. The Commission initially determined that it would include international revenues in its calculation of the TRS Fund payment obligations without any analysis or discussion. Instead, it only observed that one carrier had asked for such revenues to be included, based on the concept that carriers are compensated from the Fund for international TRS calls.<sup>23/</sup> The Commission did not consider whether its decision would impact or disadvantage carriers with predominantly international revenues. Because the language of Section 225 gives the Commission wide latitude in defining the revenue base for the TRS Fund -- requiring only that costs caused by interstate telecommunications relay services be recovered "from all subscribers for every *interstate* service . . ."<sup>24/</sup> -- the Commission has full authority to exclude international services from its definition of interstate services subject to Fund payment obligations.

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otherwise"); *Oxford House-C v. City of St. Louis*, 843 F. Supp. 1556, 1578 (E.D. Mo. 1994) (noting that a "facially neutral" ordinance can be "enforced in a discriminatory manner" and have "a disparate effect" on certain persons), *reversed on other grounds*, *Oxford House-C v. City of St. Louis*, 77 F.3d 249 (8th Cir. 1996).

<sup>23/</sup> *Telecommunications Relay Service, and the Americans with Disabilities Act of 1990, Third Report and Order*, 8 FCC Rcd 5300 n.14 (1993) ("*Third Report and Order*") (noting that Sprint argued "that international services should be included because TRS providers will be compensated by the administrator for international TRS minutes of use"). Sprint's argument has since been substantially undermined, because providers are not compensated for the costs of IP Relay services, one of the fastest growing segments of the Fund. *See In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, 18 FCC Rcd 12823 n.73 (2003) ("[t]he Interstate TRS Fund does not currently reimburse providers for the costs of providing international calls via IP Relay.").

<sup>24/</sup> 47 U.S.C. § 225(d)(3)(B) (emphasis added).

Excluding international revenues from the TRS revenue base would follow the rationale required by the *TOPUC* court in the universal service context. While the Bureau found that it was not required to adhere to *TOPUC* in the TRS context because the governing statutes for TRS and USF are different,<sup>25/</sup> the differences in statutory language are irrelevant to the court's reasoning and should not have been considered dispositive.

In *TOPUC*, COMSAT, whose revenues were predominantly international revenues, challenged the inclusion of international revenues in the USF contribution base. The Fifth Circuit found that requiring COMSAT to pay into the USF based on its international revenues was inequitable and discriminatory and violated the Commission's own principle of competitive neutrality, and that the "heavy inequity the rule places on COMSAT and similarly situated carriers cannot simply be dismissed by the agency as a consequence of its administrative discretion."<sup>26/</sup> Because the rules damaged some international carriers more than others, the Court also found that the Commission's interpretation was discriminatory.<sup>27/</sup> Since the *TOPUC* decision, the Commission has amended its rules to allow carriers whose international revenues exceed eighty-eight percent of total revenues to exclude those revenues from USF payment calculations.<sup>28/</sup>

The same reasoning would apply with equal force to TRS contribution requirements, regardless of the differences in the language of sections 225 and 254. Because the Commission's TRS rules harm Telco Group -- 96% of whose revenues derive from the provision of international services -- substantially more than other carriers, they, like those examined in

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<sup>25/</sup> *Declaratory Ruling on Reconsideration* ¶ 8.

<sup>26/</sup> *TOPUC* at 434-35.

<sup>27/</sup> *Id.* at 435.

<sup>28/</sup> See 47 C.F.R. §§ 54.706, 54.709.

*TOPUC*, are inequitable and discriminatory and violate the Commission's principle of competitive neutrality.<sup>29/</sup> The Bureau's finding that the fact that a carrier's percentage of international revenues is not relevant to establishing TRS funding requirements is inconsistent with *TOPUC* and should be reversed.

**C. The Bureau's Ruling Is Inconsistent with Section 225 of the Communications Act and Section 706 of the Telecommunications Act of 1996.**

The *Declaratory Ruling on Reconsideration* is also inconsistent with the primary intent of section 225 of the Communications Act and section 706 of the Telecommunications Act.<sup>30/</sup> Unless reversed, the disproportionate impact on Telco Group and similarly situated carriers make it less -- not more -- likely that the nation will be served by a an efficient and competitive telecommunications network. Thus, the *Declaratory Ruling on Reconsideration*'s holdings violate the well established principle that agencies should construe each provision of a statute in a harmonious manner with all other statutory provisions,<sup>31/</sup> and that furthers the overall purposes of the Act.<sup>32/</sup>

Section 225(b)(1) of the Act requires the Commission, "to make available to all individuals in the United States a rapid, efficient nationwide communications service, and to increase the utility of the telephone system of the Nation." To carry out these purposes, the

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<sup>29/</sup> *Federal-State Joint Board on Universal Service, Notice of Proposed Rulemaking*, CC Docket No. 96-45, 19 FCC Rcd 10800 ¶ 1 (2004); *Federal-State Joint Board on Universal Service, Midwest Wireless Iowa, LLC Petition for Waiver of Sections 54.313(d) and 54.314(d) of the Commission's Rules and Regulations*, CC Docket No. 96-45, 19 FCC Rcd 10484 ¶ 8 (2004) (noting the Commission's goal of competitive neutrality).

<sup>30/</sup> 47 U.S.C. § 225; 47 U.S.C. § 157 nt.

<sup>31/</sup> *See, e.g., United Savings Ass'n of Texas v. Timbers of Inwood Forest Assoc., Ltd.*, 484 U.S. 365 (1988).

<sup>32/</sup> *See, e.g., Pavelic & Leflore v. Marvel Entertainment Group*, 493 U.S. 120, 123-24 (1989); *Massachusetts v. Morash*, 490 U.S. 107 (1989).

Commission is directed to “ensure that interstate and intrastate telecommunications relay services are available, to the extent possible and in the most efficient manner, to hearing-impaired and speech-impaired individuals in the United States.”<sup>33/</sup> Section 706 directs the Commission to “encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans,” “promote competition in the local telecommunications market,” and “remove barriers to infrastructure investment.”<sup>34/</sup>

In contrast to these statutory objectives, the *Declaratory Ruling on Reconsideration* renders it substantially more difficult for carriers like Telco Group to continue U.S. operations. Interpreting a statute in a manner that drives competitors out of the market not only fails to promote the goals of sections 225 and 706, but could actually threaten continued TRS funding if carriers such as Telco Group are no longer able to provide telecommunications services or cannot do so efficiently.

## II. THE BUREAU WRONGLY DENIED TELCO GROUP’S WAIVER REQUEST

The *Declaratory Ruling on Reconsideration*’s one-sentence denial of Telco Group’s waiver request “[b]ecause Telco Group has not demonstrated why individualized relief is appropriate”<sup>35/</sup> wholly ignored substantial record evidence. Telco Group provided detailed financial information as to the size of the TRS Fund, Telco Group’s monthly payments to the TRS Fund, the significant upward trend of those payments, the source of those payments from

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<sup>33/</sup> 47 U.S.C. § 225(b)(1). Section 22 of the Act defines “interstate communication” in relevant part as communication or transmission (A) from any State, Territory, or possession of the United States (other than the Canal Zone), or the District of Columbia, to any other State, Territory, or possession of the United States (other than the Canal Zone), or the District of Columbia, (B) from or to the United States to or from the Canal Zone, insofar as such communication or transmission takes place within the United States, or (C) between points within the United States but through a foreign country . . .”

<sup>34/</sup> 47 U.S.C. § 157(a).

<sup>35/</sup> *Declaratory Ruling on Reconsideration* ¶ 8.

what are predominantly international revenues, and other detailed financial information in support of its waiver request. This evidence fully demonstrated why individualized relief is appropriate; yet, the Bureau did not even mention it, let alone provide an explanation of why it was insufficient or what evidence might be sufficient. The Commission should reverse the Bureau's holding on this issue.

### III. IT IS IN THE PUBLIC INTEREST TO GRANT TELCO GROUP'S REQUEST

The Commission should reverse the *Declaratory Ruling* and *Declaratory Ruling on Reconsideration* in full, in order to promote the Commission and Congress's goals of ensuring adequate TRS funding, encouraging deployment of advanced services, and promoting telecommunications competition.<sup>36/</sup> Granting Telco Group's request would serve the public interest because it would ensure that Telco Group remains a viable competitor in the market for interstate services. The Commission has frequently recognized the public interest value in preserving and promoting a healthy competitive telecommunications marketplace.<sup>37/</sup>

Telco Group provided extensive evidence that if its request is not granted, it may not be able to survive as a United States company. Requiring Telco Group to shoulder a disproportionate TRS burden substantially hinders Telco Group's ability to provide competitive telecommunications services. Telco Group simply cannot continue to pay a disproportionate sum of money into the TRS fund and remain competitive with other providers that hold a far greater market share in the United States but are required to contribute far less. Further, these

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<sup>36/</sup> See Section I.C, *supra*.

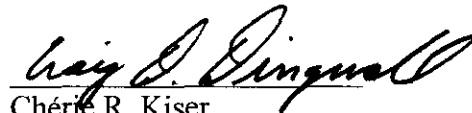
<sup>37/</sup> See, e.g., *Low-Volume, Long Distance Users*, 15 FCC Rcd. 6298, ¶ 11 (1999) ("the Commission's goal is to bring to all Americans the benefit of a robust and competitive communications marketplace" because "competition has created greater choice and value for many consumers."); *Federal-State Joint Board on Universal Service*, 12 FCC Rcd. 87, ¶ 2 (1996) (noting goal of establishing rules that will enhance rather than distort competition consistent with the procompetitive goals of the 1996 Act).

high payment obligations also hinder Telco Group's ability to compete outside the United States, and so contradict the Commission's efforts to promote and encourage competition in the international and interstate markets.<sup>38/</sup> Enable Telco Group to remain a healthy competitor of telecommunications services in both the interstate and international markets best serves the public interest.

### CONCLUSION

The Commission should reverse the *Declaratory Ruling on Reconsideration*, and clarify that carriers whose international revenues comprise a substantial majority may exclude those revenues from TRS fund payment calculations. In the alternative, the Commission should waive the requirement that Telco Group include such international revenues in calculating its TRS fund payment obligations.

Respectfully submitted,



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<sup>38/</sup> See, e.g., 2000 Biennial Regulatory Review – Policies and Procedures Concerning the International, Interexchange Marketplace, Report and Order, 16 FCC Rcd 10647, ¶ 6 (2001) (“the Commission has worked diligently to further competition in the international exchange marketplace”).

**CERTIFICATE OF SERVICE**

I, Craig D. Dingwall, hereby certify that on this 26th day of June 2006, the foregoing Application for Review of Telco Group was served on the following as indicated:

**VIA HAND DELIVERY**

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